



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JULY 17, 2012**

On this 17th day of July 2012 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

| | |
|----------------|-------------------------|
| Mayor | Miguel D. Wise |
| Mayor Pro-Tem | J.F. "Johnny" Cuellar |
| Commissioner | Olga M. Noriega |
| Commissioner | Gerardo "Jerry" Tafolla |
| Commissioner | Lupe V. Rivera |
| Commissioner | Joe A. Martinez |
| City Manager | Leonardo Olivares |
| City Secretary | Elizabeth Walker |
| City Attorney | Ramon Vela |

Also present: Rey Garcia, IT Director; Gloria Givilancz, Interim Finance Director; David Salinas, Public Utilities Director; Oscar Garcia, Public Facilities Director; Interim Police Chief Michael Kelly; Fire Chief Jimmy Cuellar; Arnold Becho, Library Director; Martin Mata, Assistant Library Director; Danny Rodriguez, Interim Parks Director; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, July 13, 2012.
- B. Invocation.
Rev. Howard Bloomquist from the Central Christian Fellowship delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Garza.

Commissioner Rivera, seconded by Commissioner Martinez, moved to remove item VI. A. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

VI. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2012-52 posthumously honoring

Commissioners Rivera and Tafolla.) Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

The Mayor and Commissioner Rivera presented Resolution 2012-52 to the family of Ruben Guajardo, Jr. and the children he coached. Commissioner Rivera added that field #3 at Weslaco City Park would be renamed in his honor.

II. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities. Attachment.

Mr. Gonzalez reported on the \$15,000.00 grant to Everitt & Associates for exterior improvements, the \$100,000.00 of \$250,000.00 to Colimex for its relocation; the ongoing "Choose Knapp" campaign; the upcoming mobile workshop with the City Commission scheduled July 24. He also reported on upgrades to the message center at the intersection of Texas Boulevard and Business 83 to full color and the increase in sales tax 7.56% over last year.

- B. Martha Noell, President/CEO of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Noell referenced the bus parked outside, with its wrap advertisement to promote Weslaco through a 50/50 cost share with the City; she highlighted other current advertisements and noted the recent graduation of the Leadership Class VII. A new map and magazine are forthcoming; the Weslaco Beautiful Committee recognized Joe Calvillo and Sonic.

- C. Lilia Ledesma with Linebarger Goggan Blair & Sampson, LLP on Delinquent Tax and Fine Collections. Attachment.

Ms. Lucy Canales, in place of Lily Ledesma who was transferred to the San Antonio office, reported on collection efforts on 109 delinquent accounts, including Saturday home visits to twenty such accounts; there are 43 bankruptcy claims and 30 additional lawsuits. In the next quarter, Linebarger expects to issue more mailings and make more home visits.

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible

action.

- A. Approval of the following Minutes:
 - 1) Regular Meeting of June 19, 2012;
 - 2) Special Meeting of June 28, 2012.(Requested by City Secretary's Office.) Attachment.

- B. Approval on Second Reading of the following Ordinances:
 - 1) Ordinance 2012-11 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1629 Cypress Drive, also being Lots 1, 2, & 3, Westgate Village Mobile Home Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." (First Reading held June 19.) Attachment.
 - 2) Ordinance 2012-15 amending Ordinance 320 and the City of Weslaco Zoning code to establish a development standard for green space and aesthetic design and authorize the Mayor to execute any related documents. (First Reading held June 28.) Attachment.

- C. Approval of the renewal of Federal Work Study agreement with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance and authorize the Mayor to execute any related documents. (Requested by Library.) Attachment.

- D. Approval of the renewal of the lease agreement with Weslaco Youth Football League for use of the Multi-Purpose field, Minor Practice Field, parking lot, and concession stand at Isaac Rodriguez Park as well as practice fields at Harlon Block Sports Complex effective August 4, 2012 – January 31, 2013 and authorize the Mayor to execute any related documents. (Requested by Parks and Recreation Department.) Attachment.

- E. Approval of the utilization of Federal Equitable Sharing funds in an amount not to exceed \$10,000.00 to continue the purchase of cell phone service and air card service for laptop computers. (Requested by Police Department.) Attachment.

- F. Authorization for Mayor Miguel D. Wise to execute the Agency Plan for Fiscal Year beginning October 2012 for the Weslaco Housing Authority. (Requested by the Weslaco Housing Authority.) Attachment.

Commissioner Martinez clarified that the lease with the Weslaco youth Football League encompasses the Weslaco Thunder, as indicated in their request letter; the City Attorney assured that the Weslaco Thunder would have access to Parks facilities under the umbrella of the whole League.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve consent agenda items A, C, D, E, and F as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

There was no action on item B.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2012-01 appointing a member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. (Requested by Planning & Zoning Department; This item was tabled November 15, 2011.) Attachment.

There was no action on this item.

- B. Discussion and consideration to approve Resolutions 2012-53 and 2012-54 confirming the appointments by Mayor Miguel D. Wise of two (2) members to the City of Weslaco Housing Authority Board to expired terms as authorized by §302.031 of the Texas Local Government Code. Possible action. (Requested by City Secretary's Office.) Attachment.

The Mayor reappointed Javier Martinez and Deborah Castillo as members of the City of Weslaco Housing Authority Board. The City Attorney stated no motion is required.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2012-53

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOUSING AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the City of Weslaco Housing Authority Board as per the Texas Local Government Code Section, 392.031 the Mayor shall appoint the Housing Authority Commissioners; and

WHEREAS, the terms of the members of this board are for (2) two years; and

WHEREAS, the Housing Authority Board members shall serve without compensation and unlimited terms.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR OF THE CITY OF WESLACO, TEXAS THAT Javier Martinez is appointed to serve an expired (2) two year term on the Housing Authority Board and the term will expire on July 21, 2014.

PASSED AND APPROVED on this 17th day of July, 2012.

RESOLUTION NO. 2012-54

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOUSING AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the City of Weslaco Housing Authority Board as per the Texas Local Government Code Section, 392.031 the Mayor shall appoint the Housing Authority Commissioners; and

WHEREAS, the terms of the members of this board are for (2) two years; and

WHEREAS, the Housing Authority Board members shall serve without compensation and unlimited

terms.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR OF THE CITY OF WESLACO, TEXAS THAT Deborah Castillo is appointed to serve an expired (2) two year term on the Housing Authority Board and the term will expire on July 21, 2014.

PASSED AND APPROVED on this 17th day of July, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V.

OLD BUSINESS

- A. Discussion and consideration to waive the criteria requirements specified in Ordinance 2011-16, codified as Article VIII §82.201-204, and to approve Resolutions 2012-32, 2012-33, and/or 2012-34 assigning and/or changing the names of the following municipal facilities:

- 1) A Baseball Field at Weslaco City Park
- 2) The Boardroom at the Mayor Joe V. Sanchez Public Library
- 3) The Weslaco Mid-Valley Airport

Possible action. (Re-requested by Commissioners Rivera and Tafolla, expanded by City Manager; a three-fourths vote of the Commission is required to waive the criteria. There was no action on this item June 19.) Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to waive the criteria requirements specified in Ordinance 2011-16 to approve Resolution 2012-32 renaming Baseball Field #3 at Weslaco City Park for Ruben Guajardo, Jr. The motion carried unanimously; Mayor Wise was present, but not voting. The City Attorney noted that the three-fourths vote requirement was satisfied.

There was no action on items A 2. and A 3.

For the record, the Resolution reads as follows:

**RESOLUTION NO. 2012-32
A RESOLUTION OF THE CITY OF WESLACO RENAMING A BASEBALL
FIELD AT WESLACO CITY PARK**

WHEREAS, Ordinance 2011-16, codified in the City of Weslaco Code of Ordinances as Article VIII Chapter 82, §82.201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy,” establishes the process and criteria for naming Public Facilities and Transportation Improvements, and

WHEREAS, Public facilities means any building or permanent structure owned by the City of Weslaco located in the city limits or the extra territorial jurisdiction (ETJ); and

WHEREAS, Accordingly to §82-204 Criteria, the public facility and transportation improvement naming committee and the Weslaco City Commission shall use the following criteria when considering naming a public facility or a transportation improvement:

- (1) Objectively natural names from geographical locations, historical events or historical places should be considered first.

- (2) Naming public facilities or transportation improvements in honor of a person is discouraged unless the person made a significant national, state, or local contribution and if there are no appropriate names derived from geographical locations or historical events or historical places.
- (3) If a public facility or transportation improvement is named for a person, the person must:
 - a. Have been deceased for more than six months.
 - b. Consistently contributed toward the function of the public facility or transportation improvements. (The public facility and transportation improvement naming committee must receive evidence of a person's significant contribution.)

WHEREAS, The Weslaco City Commission may waive any of the criteria requirements by a super majority (¾) vote.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Baseball Field #3 at Weslaco City Park is renamed as Ruben Guajardo, Jr. Field.

PASSED AND APPROVED on this 17th day of July, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

VI. NEW BUSINESS

- B. Discussion and reconsideration on behalf of E.M. and James A. Payne to approve the Final Plat with variances as recommended by the Planning & Zoning Commission of Freedom Park Subdivision, being a 36.23 acre tract of land, Lot 2, Freedom Park Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Martinez; this item was approved without variances April 20.) Attachment.

The City Manager stated that the City worked with the Payne Dealership to calculate the amount of water detained in the drain immediately behind the property as platted and the costs incurred to expand that drain for the total public benefit. The Mayor stated since the work had already been done, the Payne Group should not have to contribute to the cost of expansion; the City Manager stated that the expansion was not intended for any individual property owners' benefit and the negotiated cost reimbursement is fair. The Mayor Pro-Tem stated the Commission did not want to set a precedent of waiving the detention requirement, but the Payne Group offered a solution.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved on reconsideration to approve the Final Plat with variances conditional on cost reimbursement by E.M. and James A. Payne in the amount of \$59,000.00. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve Ordinance 2012-16 authorizing a negotiated resolution with Texas Gas Service regarding the company's May 1, 2012 cost of service adjustment ("COSA") filing and June 26, 2012 Statement of Intent ("SOI")

filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the SOI filed tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses and other matters as ordained. First Reading of Ordinance 2012-16. Possible action. (Requested by Legal Counsel.) Attachment.

The City Manager stated this serves to increase the rates assessed by Texas Gas Service.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

D. Discussion and consideration to renew for an additional year or to issue requests for proposals for the following insurance policies:

1. Employee Group Health Insurance;
2. Basic Life & Accidental Death & Dismemberment;
3. Commercial Insurance Package; and
4. Workers' Compensation Coverage

Possible action. (Requested by Human Resources Department.) Attachment.

The City Manager stated that the proposed increase with the current vendor is 9.1%, with an increase of 9-15% surveyed should the policy go to bid; he explained there are seven open highly costly claims yet the rate quoted is comparable to that four years ago. The Mayor stated that the vendors should be responsible for recommending cost savings and Commissioner Noriega requested that this item be brought to the Commission at the time it is negotiated.

Commissioner Rivera, seconded by Commissioner Martinez, moved to renew for one additional year the Employee Group Health Insurance. The motion carried unanimously; Mayor Wise was present, but not voting. There was no action on items D. 2, 3, and 4 as those are set to expire in April 2013.

E. Discussion and consideration to approve the submission of a grant application to the US Department of Justice - Bureau of Justice Assistance Program (BJA) for Fiscal Year (FY) 2012 Bulletproof Vest Partnership Program (BVP) in an amount of \$16,709.00 to purchase 31 vests in compliance with the local Collective Bargaining Agreement, authorize acceptance upon award, a budget amendment as appropriate, and the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

F. Discussion and consideration to approve a lease agreement with the Mid Valley Youth Soccer Club, July 1 – December 31, 2012, and January 1, 2013 – December 31, 2013 for use of City Park soccer fields and authorize the Mayor to execute any

related documents. Possible action. (Requested by Parks and Recreation Department.) Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. Following some discussion when Commissioner Martinez inquired why a three season lease inconsistent with other leases approved, both withdrew their motion.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve lease agreement with the Mid Valley Youth Soccer Club July 1 – December 31, 2012 for use of City Park soccer fields to be shared with Rio Valley Youth Soccer and with financial reports due at any time as requested by the City and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and reconsideration on behalf of Oscar S. Reyes to approve a Conditional Use Permit and variance request to obtain a beer and wine and late hours permit at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas in accordance with §109.33(e) of the Texas Alcoholic Beverage Code. Possible action. (Public hearing conducted April 3; request denied by the Commission April 3. Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager recommended approval.

Mayor Pro-Tem Cuellar, seconded by Commissioner Noriega, moved to approve.

Commissioner Noriega stated that the Texas Municipal League told her that another public hearing is required because this request was previously denied; the City Attorney confirmed that this item must return to the Planning and Zoning Commission. Commissioner Rivera stated it would be hard for him to vote for it because of member of his family was shot there.

Mayor Pro-Tem Cuellar and Commissioner Noriega withdrew their motion.

- H. Discussion and consideration to authorize permission to construct, reconstruct, lay and maintain an 8" Sanitary Sewer line for Weather Heights Phase I subdivision, Weslaco, Hidalgo County, Texas, beginning 200.0' south of Mile 10 North Road and Mile 4 West Road and running south along the west side of Mile 4 West Road within existing Right of Way for a distance of 775.0 feet, crossing on Mile 4 West Road and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement.) Attachment.

The City Manager stated there is in place with Hidalgo County to provide sanitary sewer service to that area.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to select a logo for the new elevated storage tank at the

Harlon Block Sports Complex and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The Mayor stated it would be appropriate to refer this item to the Public Facilities and Transportation Improvement Naming Committee for recommendation. There was no action on this item.

- J. Discussion and consideration to approve the final pay request from Dos Logistics, Inc., for the Engineering Services at the South Wastewater Treatment Plant Generator Project for the amount not to exceed \$4,380.00 and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this is a grant project related to Hurricane Dolly and recommended approval.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- K. Discussion and consideration to approve the final pay request from Holt Cat for the Construction Services at the South Wastewater Treatment Plant Generator Project in an amount not to exceed \$253,463.04 and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager state this is the same project as identified in the previous item, but with Holt Cat as general contractor.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- L. Discussion in consideration to authorize amendment #3 to the contract with Texas General Land Office (formerly Texas Department of Rural Affairs Contract No. DRS010201) to revise the project schedule for an additional 90-days for the generator installation at the Water Treatment Plant and South Wastewater Treatment Plant and authorize the Mayor to execute and related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this project to install a back-up generator is substantially complete but requests a time extension to ensure that the City is reimbursed for any expenses incurred after June 29, 2012 to complete the punch list. Mr. David Salinas, following a question from Commissioner Tafolla, stated the City would no longer do business with this vendor.

Commissioner Noriega, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- M. Discussion and consideration to authorize the purchase of 174 Badger Water Meters and Orion Integral Transmitters ranging from 5/8" to 4" from a sole vendor Badger Meter, Inc. in an amount not to exceed \$83,226.25 and authorize a budget amendment as appropriate. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated that the City is replacing water meters at a rate of 500/year and recommends approval. Mr. David Salinas stated this is part of the 2008 integral system which requires the same vendor.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- N. Discussion and consideration to approve the Waterline Access Agreement with North Alamo Water Supply Corporation for Midway Court Phase I Subdivision and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager states this agreement acknowledges water, but no fire service and recommends approval. The City Attorney stated other similar agreements already are in place, though yet to be billed.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- O. Discussion and consideration to approve the agreement with North Alamo Water Supply Corporation facilitating the billing and collection of charges due from residents receiving sanitary sewer services from the City, providing for fire hydrants and other infrastructure within a designated territory of a Certificate of Convenience and Necessity (CCN) and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

There was no action on this item.

VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.

The City Manager reported that National Night Out will be held August 7; the City will begin issuing citations for water conservation violations; and supplements to the agenda as provided to the Commission now are available online, this packet receiving 613 views to date.

Commissioner Noriega inquired when Special Meetings will be broadcast; the City Manager reported he met with the Weslaco Independent School District the same day and hopes to work with South Texas College to launch the City's second Public

Educational and Governmental (PEG) channel.

B. Technology, Education, and Design (TED) video presentation.

A video was shown of a presentation by the Mayor of Rio de Janeiro on the city of the future as environmentally friendly, with public mobility and social integration.

C. Report on the contract with JF Utility & Trenching for construction manager-at-risk services as authorized by §271.118 of the Texas Local Government Code for the emergency rehabilitation of Lift Station 36.

There was no report.

D. Report on the professional services agreement with JE Saenz & Associates for engineering services to provide oversight review of all construction and engineering on the emergency rehabilitation of Lift Station 36.

There was no report.

VIII. PUBLIC COMMENTS

There were no public comments received.

IX. EXECUTIVE SESSION

A. Pending Litigation – Discussion with City Attorney regarding Case No. 7:09-CV-0118, *Claudio Lucio v. City of Weslaco* pursuant to §551.071 of the Texas Government Code.

In open session, Special Assigned Counsel Melissa Fletcher reported that plaintiff's counsel had filed a motion to withdraw; the City's offer had been rejected and withdrawn. Jury selection commences Tuesday, July 24, 2012.

**X. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

There was no action as discussion on this item was held in open session.

XI. ADJOURNMENT

With no other business before the Commission, Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to adjourn the July 17, 2012 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

(absent)

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez